

CLEARY GOTTlieb STEEN & HAMILTON LLP

AMERICAS
NEW YORK
SAN FRANCISCO
SÃO PAULO
SILICON VALLEY
WASHINGTON, D.C.

ASIA
BEIJING
HONG KONG
SEOUL

2112 Pennsylvania Avenue, NW
Washington, DC 20037-3229
T: +1 202 974 1500
F: +1 202 974 1999
clearygottlieb.com

D: +1 650 815 4113
ztschida@cgsh.com

EUROPE & MIDDLE EAST
ABU DHABI
BRUSSELS
COLOGNE
FRANKFURT
LONDON
MILAN

A telephone conference is scheduled for **Wednesday, June 29, 2022 at 12:00 pm** to discuss Keurig's letter-motion at ECF No. 1848. Counsel for Keurig and the Winn-Dixie Plaintiffs are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time.

SO ORDERED 6/22/2022


SARAH L. CAVE
United States Magistrate Judge

June 15, 2022

VIA ECF

Hon. Sarah L. Cave, U.S.M.J.
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 18A
New York, NY 10007

Re: *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, MDL No. 2542:
Motion for Order Compelling Discovery Responses in Winn-Dixie Action

Dear Judge Cave:

Keurig respectfully requests an order compelling Winn-Dixie Stores, Inc. and Bi-Lo Holding, LLC (“Winn-Dixie”) to provide overdue discovery responses by a date certain.

Winn-Dixie filed its complaint in August 2021 but did not serve Keurig until December 27, 2021, after Judge Broderick ordered it to show cause for its failure to make timely service. Case No. 1:21-cv-7504, ECF No. 13. Winn-Dixie told the Court that Keurig “would not be prejudiced” by its late service because it would join the existing BJ’s Action case management order and “abide by it and its deadlines.” ECF No. 1668 at 3.

Winn-Dixie has not honored that commitment. In February 2022, the parties agreed to a revised case management plan for BJ’s and Winn-Dixie. ECF No. 1714. The schedule set a March 21 deadline to begin rolling document productions. *See* ECF No. 1714 ¶ 9(d) (rolling productions to begin within 30 days of agreement on custodians). Winn-Dixie did not make its first production until April 30—more than five weeks after the deadline. Winn-Dixie made its second rolling document production on May 9, and has not produced any documents since then. Winn-Dixie has missed several other Court-ordered and agreed deadlines as discussed below.

On June 7, the parties met and conferred by phone for approximately one hour.¹ On June 8, Winn-Dixie agreed to resolve the outstanding issues by agreed-upon extended deadlines. Ex.

¹ Zach Tschida attended for Keurig, and Patrick Ahern attended for Winn-Dixie. The parties also corresponded extensively about these issues. Ex. A (email chain); Ex. B (2/4/22 Letter); Ex. C (2/18/22 Letter); Ex. D (3/22/22 Letter); Ex. E (6/1/22 Letter); Ex. G (6/7/22 Letter).